

# COUNTY OF YORK

## MEMORANDUM

**DATE:** December 23, 2003 (BOS Mtg. 1/20/04)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. UP-626-03, Miles C. Burcher and Gary L. Brocksmith

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling. The accessory apartment is to be located in an existing single-story detached accessory building on property located at 709 Patricks Creek Road and further identified as Assessor's Parcel No. 30J-1-1.

### DESCRIPTION

- Property Owners: Miles C. Burcher and Gary L. Brocksmith
- Location: 709 Patricks Creek Road
- Area: 0.93 acre
- Frontage: Approximately 20 feet on access easement connecting to Patricks Creek Road (Route 616)
- Utilities: Private well and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: Low-Density Residential
- Zoning Classification: RR – Rural Residential  
EMA – Environmental Management Area overlay  
FMA – Floodplain Management Area overlay
- Existing Development: Single-family detached home with accessory building
- Surrounding Development:
  - North: Single-family detached residential
  - East: Single-family detached residential beyond Patricks Creek
  - South: Single-family detached residential
  - West: Single-family detached residential

- Proposed Development: Detached accessory apartment in conjunction with a single-family detached dwelling.

### **CONSIDERATIONS/CONCLUSIONS**

1. Accessory apartments in detached structures are permitted in the RR district with a Special Use Permit, provided the floor area of the structure does not exceed 800 square feet, or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property (under construction) will contain 5,069 square feet of floor area. The proposed accessory apartment would be contained in an existing accessory building, which, according to the applicant, was constructed during the 1920's and has previously been utilized as a dwelling and, during the past two years, as a workshop and storage building. The applicant has indicated the building would be used for visiting guests and immediate family members only. The proposed accessory apartment would contain approximately 765 square feet of habitable floor area, or 15% of the principal dwelling, and would include a kitchen, living room, dining room, bedroom and bathroom (see attached sketch plan). Renovation of the building would not include any expansion of the existing footprint.
2. The property is located within a Chesapeake Bay Environmental Management Area overlay district, and is designated as Resource Protection Area (RPA). Additionally, the property is located within the 100-year floodplain according to FEMA flood insurance rate maps. Redevelopment of existing structures is permitted within these areas provided surface water quality is not degraded, appropriate best management practices are utilized as needed, and construction or reconstruction is in accordance with applicable provisions of the Virginia Uniform Statewide Building Code. A proposed condition of approval addresses this issue.
3. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its regular meeting on November 12, 2003 and, subsequent to conducting a public hearing at which no one spoke other than the applicant, voted 6:0 (Harvell absent) to recommend approval.

**COUNTY ADMINISTRATOR RECOMMENDATION**

I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application. This may be accomplished through the adoption of proposed Resolution No. R04-2.

Carter/3337:AMP

Attachments:

- Excerpts from Planning Commission minutes, November 12, 2003
- Zoning Map
- Survey Plat
- Floor plan of proposed apartment
- Applicant's project narrative
- Proposed Resolution No. R04-2